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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,867	04/17/2000	James N. Freeman	134011	1611

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ALCATEL INTERNETWORKING, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/19/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,867

Applicant(s)

FREEMAN, JAMES N.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. **Claims 1-19** as previously amended are still in consideration for this application.
2. Examiner does **not withdraw** the anticipated rejections to *Fan* and *Chiang* for Office action filed 03/04/04. In response to applicant's arguments filed 04/06/04, it is not clear what applicant is arguing with respect to the claim limitation(s) (i.e., what specific claim limitations are at issue). Instead, it appears that applicant may be arguing a concept and not specific claim limitations. Specifically, applicant's argues "inter-switch" only and "intra-switch only". Applicant does not further claim nor does applicant further define an "inter-switch only" address such that it may not be further clear what applicant is arguing. Thus in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a specific or narrower definition of "internal use only" addressing with respect to intra-switch only) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In particular, applicant appears to diffuse the issue by arguing a difference between intra-switch only and inter-switch only addressing (see applicant's remarks filed 04/06/04 on pages 2-5). At issue is not the difference between these terms but instead a narrower version of intra-switch only address for which applicant attempts to rely on. Specifically, applicant discloses the following with respect to "intra-switch only" addresses:

The "internal use only" addresses are preferably "intra-switch only" addresses and are allocable to a plurality of organizations for assignment and application in a plurality of switches.

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The key to applicant's invention (and what is not claimed) is the further underlined assumption:

"In accordance with the protocols, a first set of addresses within the domain are reserved for "internal use only" and are allocable to a plurality of organizations for assignment and application in a plurality of devices without risking the introduction of addressing ambiguities into communication networks."

Specifically, how applicant provides addressing for a plurality of devices "without risking the introduction of addressing ambiguities into communication networks" is not recited in the claims. For the purpose of the rejection, the examiner has provided two slightly different interpretations of the above assumption, which meet the further (and not claimed) limitation of "without risking introduction of addressing ambiguities into communication networks". As such, examiner notes MPEP 2111. In particular, "[d]uring patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification' ". Examiner assumes a reasonable but broad interpretation of within the switch to distribute data. Hence with respect to *Fan* see column 3, lines 23-30 in light of column 4, lines 47-62 and *Chiang* column 4, lines 38-48 in view of the second embodiment.

Examiner would like to further point out that "inter-switch only" is not defined by applicant's specification. Thus it may not be clear what applicant is referring to by "inter-switch only". In addition, with respect to the claims, the term "intra-switch only" is recited in independent claims 1 and 4. However, "intra-switch only" is not recited in independent claims 7, 9 and 12. Furthermore, claim 14 further recites an "intra-device" not defined in applicant's specification. Thus the limitation "intra-switch only" does not apply to claims 7, 9, 12, and 14.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-3, 4, 6, 9-11, 14-18** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,625,124 B1 to *Fan et al.* (“*Fan*”).

As to **claims 1 and 9**, see figure 1 of *Fan* with respect to an intra-switch (R/M 24) that is interconnected to network 26. With respect to assigning addresses, Long addresses of the network are found by the sending of a control packet between each device (column 14, lines 1-14). Once every device had been accounted for, the long addresses are sorted and then assigned a corresponding short addresses that are picked from reserved addresses within the switches of the nodes (column 5, lines 32-42; column 17, lines 1-14). These short addresses are applied locally only, within the switching apparatuses of the nodes, while the long addresses are globally applied to the Internet (column 3, lines 33-39).

As to **claim 3**, see e.g., column 6, lines 1-16; column 3, lines 65-67 and column 4, lines 1-4.

As to **claims 4 and 6**, *Fan* further discloses that the invention uses dual addressing e.g., see column 5, lines 43-59 and column 3, lines 23-32.

As to **claims 11 and 17**, see similar rejection for claim 3.

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As to **claims 2**, see e.g., column 4, lines 46-63.

As to **claims 10 and 18**, see similar rejection to claim 1.

As to **claims 14**, see combination of rejections for claims 1 and 3.

As to **claim 15**, see similar rejection to claim 2.

As to **claim 16**, see e.g., column 8, lines 13-28.

5. **Claims 1, 4, 5, 7-9, 10 and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,101,552 A to *Chiang et al.* ("*Chiang*").

As to **claim 1**, see figure 3 of *Chiang* with respect to an intra-switch (virtual IP gateway devices 35 and 45) that is interconnected to a Legitimate Internet 50 (i.e., second embodiment of *Chiang*). In particular the virtual internets 30 and 40 act as a switch. With respect to assigning addresses, *Chiang* teaches that the virtual internet addresses are selected/allocated from a specific range of legitimate internet addresses (column 4, lines 36-37). Specifically addresses are allocated by carving up blocks of addresses (e.g., see column 4, lines 37-46). Examiner focuses particular attention on figure 3 with respect to the allocation of blocks of addresses. In particular, note that the intra-network addresses are 140.113.x.x and the Inter-network addresses ranges are 140.115.x.x and 140.116.x.x respectively (i.e., blocks used for the inter-network addresses do not overlap with the intra-network since the gateway device performs a routing/forwarding function).

As to **claim 4**, see similar rejection to claim 1. Examiner notes a reasonable but broad interpretation of "manufacturer" (i.e., the assumption is that a manufacturer is allocated a block of addresses for a virtual network and a network address to communicate on the legitimate internet).

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As to **claim 5**, see similar rejection for claim 4.

As to **claim 7**, see similar rejection for claim 4. With respect to figure 3, address A3 is part of the 140.113.191.x block for a virtual network and addresses A1 and A2 are from either blocks 140.115.x.x or 140.114.215.x networks respectfully.

As to **claim 8**, see similar rejection for claim 4.

As to **claim 9**, see similar rejection for claim 1.

As to **claim 10**, see similar rejection for claim 1.

As to **claim 12**, see similar rejection for claim 7.

Allowable Subject Matter

6. **Claim 19** is allowed.

7. **Claim 13** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 4/11/08